

**Certification Officer
for Trade Unions and Employers' Associations**

Annual Report

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**Certification Officer's Letter to General Secretaries
regarding the Pandemic**

2019-20



Alok Sharma MP
Secretary of State for Business,
Energy and Industrial Strategy
1 Victoria Street
London SW1H 0ET

Sir Brendan Barber Chair of ACAS
Advisory, Conciliation and Arbitration Service
Euston Tower
286 Euston Road
London NW1 3JJ

I am required by the Trade Union and Labour Relations (Consolidation) Act 1992 to submit to you both a report on my activities as the Certification Officer during the previous reporting period. I have pleasure in submitting such a report for the period 1 April 2019 to 31 March 2020.

Review of the year

This Annual Report covers the period from 1 April 2019 to 31 March 2020. It has been an interesting year closing with us being significantly impacted by the COVID-19 Pandemic and most of us, in my office and in many unions, working remotely. I say more about this below but wanted to highlight my view that unions must follow government guidance on dealing with the pandemic, and that the health and safety of union members, staff and the wider public must be at the forefront of decision-making.

My Certification Office Team has been through some changes over the last year. We were joined in July by Thomas Price as Assistant Certification Officer. Thomas brought a wealth of operational and policy experience from his background in the Civil Service which has helped us to review our guidance and some of our processes. We have reduced our staffing as the Certification Officer reforms under the Trade Union Act 2016 have not yet been implemented and we have moved some services, such as the submission of Annual Reports, online.

Advice and Guidance

Our website has continued to be the primary source of information and advice for those wishing to use our services. Over the last year we have reviewed and re-published our advice to ensure that it remains accurate but also more accessible to those using it. This has included a review of the language used and the format in which it is published. Our aim has been to ensure that anyone wishing to read the guidance can do so regardless of the equipment they are using. We would be grateful for any feedback on our work especially from anyone who is experiencing difficulty in reading or understanding it.

We do, of course, continue to provide advice and information by telephone and email and encourage anyone to contact us if, after reading the guidance on our website, they have queries or need further advice.

Reporting Requirements

We have been working with unions to enable them to submit their annual return electronically and move away from paper submissions. We are grateful to the unions who have helped with this work and are pleased to report that most unions are now submitting their annual return,

together with information about political funds, industrial action and ballots, electronically. We are pleased to report that all those unions who were required to report on their political funds have done so. We have received returns covering ballots and industrial action from 26 unions.

Complaints from Union Members

There has been a fall in the number of complaints coming to our office which are accepted and progressed. It is difficult to identify the reasons for this; however, the reduction in complaints has enabled my team to focus on other areas including the accessibility of our guidance and providing more digital services.

During the year I held 6 Hearings to consider 12 complaints brought by 6 union members. As in previous years the recurring theme has been election procedures and disciplinary action; however, this year I also considered two complaints from members about statutory ballot procedures.

There is little that I can add to what I said last year on these issues. The importance of record keeping and of regular governance procedures remains, especially where a procedure has not been used for some time.

My only other comment is that unions should note that the remaining parts of the implementation of the Trade Union Act 2016 gives greater scope for complaints to be made by non union members about statutory ballot procedures.

COVID-19

We are not alone in dealing with the impact, both professionally and personally, of the COVID-19 pandemic. My team and myself have been working remotely since March 2020 and will continue to do so until it is safe to return to our office. We recognise and understand that unions are also dealing with the impact of the pandemic on their staff and members and that they are likely to be devoting significant resources to this.

I am clear that unions must prioritise the health and safety of their members, staff and the wider public in these difficult times. I wrote to all General Secretaries in May 2020 to set out my views on how they should

approach issues where complying with Government guidance on the pandemic might result in a breach of their Rules or statute, for instance by deferring an election or meeting. Whilst this falls outside the period of this annual report I think it helpful to include this letter as Appendix 13. I will report on any complaints I receive on this issue, and how I approached them, in the next Annual Report. It is also worth noting that some of the difficulties faced by unions have arisen because of the requirement for postal ballots for some elections. This is a statutory requirement which I have no power to waive. It is for the Government to decide whether it is necessary to continue to require certain ballots to be held by post.

Cost of office

The net cost of the office was £749,110 which is a decrease of £60,927 or 7.5%. The reduction stems from my decision not to fill vacancies until we know the implementation timetable for the Certification Officer reforms under the Trade Union Act 2016 and the reduction in some of our administrative work as we move services online. Consequently, our costs may increase after implementation of the 2016 Act. It is estimated that the costs of services such as IT equipment, its maintenance, HR and other support services provided by Acas was £161,322.

My salary as Certification Officer was £129,798 which is taxed under PAYE. This is pensionable with an employer's contribution to my pension of £39,310. In addition, I received back pay for 2018/19 of £1,228; £314 was paid in this reporting period; the remaining £914 was paid in 2020/21 and will be included in next year's report.

Looking Forward

We do not yet have an implementation date for the remaining parts of the Trade Union Act 2016; however, we will continue to prepare for implementation so that we can begin a period of consultation on our draft policies and guidance on the Act as soon as implementation is announced and draft regulations have been laid in Parliament.

We will also continue to monitor our workload and costs to ensure that we remain efficient over the coming year, recruiting additional staff only where necessary to maintain our current levels of service. Where possible we will learn from our experience with remote working to identify any further areas suitable for digital delivery including the possibility of holding hearings by Video Conference in some cases.

We will begin to reduce the use of paper, in line with the government's green targets and move towards digitisation.

One of our key objectives is to make all our publicly available documents such as rulebooks, statement to members, political funds, listing, mergers and certificates of independence available from our website. This will reduce environmental impact and benefit both unions and members of the public who will be able to access these documents more easily.

Finally, we have, for the first time, published our Operational Plan for the next reporting period. My report next year will include information about our progress on that plan.



A handwritten signature in black ink that reads "Sarah Bedwell".

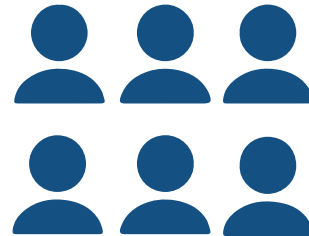
Sarah Bedwell
Certification Officer
26 June 2020

The Certification Office (31 March 2020)

1 Certification Officer



6 Staff Members



Functions of the Certification Officer

Determine complaints concerning trade union elections, certain other ballots and certain breaches of trade union rules

Ensure compliance with statutory requirements for annual returns from trade unions and employers' associations

Ensure observance of statutory requirements governing mergers between trade unions and between employers' associations

Oversee the political funds and the finances of trade unions and employers' associations

Maintain a list of trade unions and employers' associations

Certify the independence of trade unions

Our work this year

Trade Unions and Employers' Associations



1 Enquiry on the status of a Union



3 Unions added



6 Unions and 5 Employers' Associations removed



2 Transfers of engagements

Complaints



26 breach of union rule complaints determined



3 breach of statute complaints determined



Of these 14 complaints were struck out or withdrawn



6 hearings held



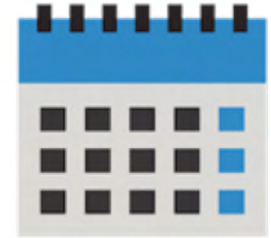
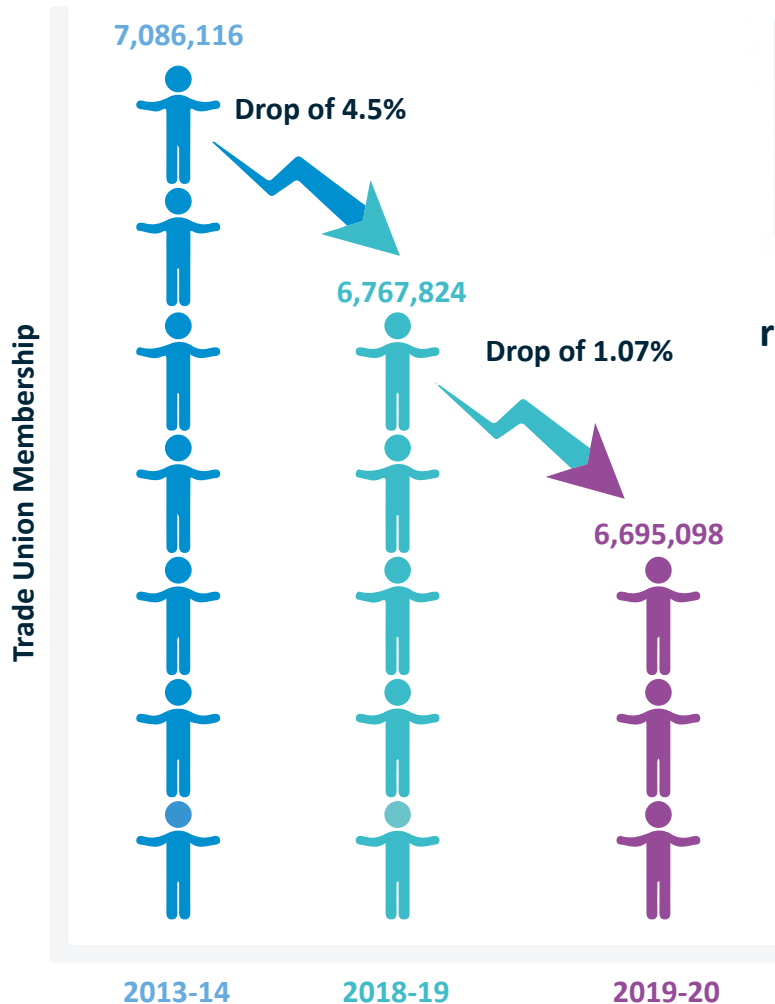
4 Declarations made by the CO against unions for breaching its rules



1 Enforcement order

Trade Unions – Overview of the year

Trade Union Membership



98% of annual returns received on time

Income from members

£902.76 million



Increase of 0.4% from previous year

Gross expenditure

£1,146.35 million



Increase of 5.9% from previous year

Gross income

£1,222.34 million

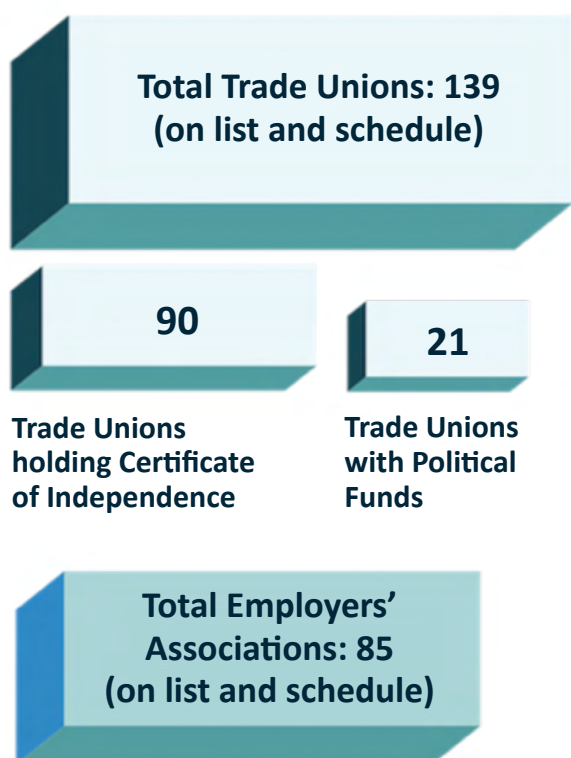


Decrease of 13.5% from previous year

Chapter 1 – Lists of Trade Unions and Employers’ Associations

The Certification Officer maintains a list of trade unions and a list of employers’ associations. Listing is voluntary and any organisation of workers or of employers may apply to be listed. The name of the organisation shall be entered in the relevant list if the Certification Officer is satisfied that it meets the definition in the Trade Union and Labour Relations (Consolidation) Act 1992 (“the 1992 Act”).

There are a number of advantages of being a listed trade union, one of which is that it is an essential preliminary to making an application for a certificate of independence and thereafter formal recognition.



As entry on the lists is voluntary, it is difficult to know precisely how many trade unions and employers’ associations exist but have not applied to be listed. At the end of this reporting period, the Certification Officer was aware of 9 trade unions and 33 employers’ associations which met the statutory definition, but which had not sought to be listed. These are included on the schedules to the relevant lists

The current lists are available on www.gov.uk/certificationofficer or available for inspection free of charge at the Certification Office, Lower Ground, Fleetbank House, 2-6 Salisbury Square, London EC4Y 8JX.

The lists of organisations with their head office in Scotland are also available for inspection at the office of the Assistant Certification Officer for Scotland, Melrose House, 69a George Street, Edinburgh EH2 2JG.

CO Enquiry of Trade Unions

An enquiry was received that the Independent Workers Union of Great Britain (IWGB) did not meet the definition of a trade union under the 1992 Act, with the complainant alleging that the majority of its members were not workers, as defined in law. The Certification Officer sought information from the Union about its membership and concluded, from the information provided, that the majority of members of the Union met the definition of a worker under section 296 of the 1992 Act and took no further action.

Additions and Removals

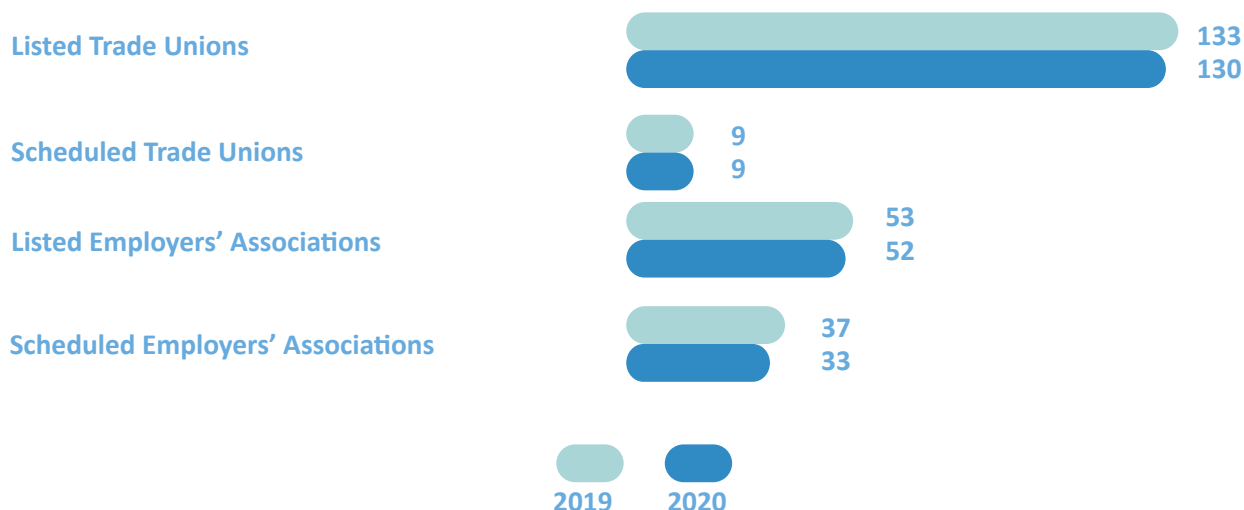
Three trade unions were added to the list and schedule during the period 1 April 2019 to 31 March 2020. Six trade unions and five employers’ associations were removed from the lists and schedules during this period.

These were either dissolved, merged into another union or deemed to no longer meet the statutory definition of a trade union or employers’ association.

Table 1 – Organisations added or removed from list or schedule

	Region	Trade Unions	Employers' Associations
Added	England and Wales (Listed)	<ul style="list-style-type: none"> • CWOATA Trade Union • WALGAS TU • Union Workers' Union 	
Removed	England and Wales (Listed)	<ul style="list-style-type: none"> • BLUECHIP STAFF ASSOCIATION • R & C Trade Union • CU Staff Consultative Group • Leicestershire Overmen Deputies and Shotfirers Association • Independent Democratic Union • City Screen Staff Forum 	<ul style="list-style-type: none"> • Mastic Asphalt Council
	England and Wales (Scheduled)		<ul style="list-style-type: none"> • British Allied Trade Federation • Radio, Electrical and Television Retailers' Association (RETRA) Limited
	Scotland (Scheduled)		<ul style="list-style-type: none"> • Scottish Building Federation • Perth and District Master Plumbers Association

Figure 1 – Changes between 1 April 2019 and 31 March 2020 in number of organisations on list and schedule



Certificates of Independence

A listed trade union may apply for a certificate of independence. Independence is defined in Section 5 of the 1992 Act as meaning independence from an employer or group of employers.

During this reporting period, the Certification Officer did not receive any applications for a certificate of independence.

No formal reviews of existing certificates of independence were undertaken during the period.

One certificate of independence was cancelled because the union concerned ceased to exist as a result of a merger. This was for the Independent Democratic Union because it merged with Community.

On 31 March 2020, 90 unions held a certificate of independence.

Chapter 2 – Annual Returns

A trade union or employers' association is required to submit an annual return to the Certification Officer before 1 June in the calendar year following the year to which the annual return relates. This applies to most organisations (69%) whose financial year coincides with the calendar year and ends on 31 December. The remaining 31% have differing reporting periods that have been agreed by the Certification Officer.

Copies of the annual returns and the rules of trade unions and employers' associations from 1974 onwards are available for public inspection. The returns of existing organisations are available from the Certification Office.

The returns of former trade unions and employers' associations are mainly kept at The National Archive where they are available for inspection.

The Certification Officer's responsibility is to ensure that accounts in the prescribed form, covering all funds administered by the organisation, are available for public inspection. Annual returns are checked for discrepancies, but the Certification Officer makes no comment on the financial status of trade unions or employers' associations.

By 31 March 2020, 98.7% of returns due in that reporting year had been received. Only 9.4% of organisations submitted their annual returns late, more than three months after their due date. The Certification Officer continues to seek full compliance with the statutory requirements and will take steps to help improve the performance of those organisations which consistently submit late annual returns.

Failure to submit an annual return to the Certification Officer may result in prosecution. No prosecutions for failure to submit an annual return were initiated during this period.

The information in this chapter is derived from the annual returns received during the reporting period. A total of 228 trade unions and employers' associations

submitted returns for this period. The number of unions and employers' associations which submit annual returns in any given reporting year is seldom the same as the number of unions and employers' associations on the list as at the end of the reporting year. This is because organisations which have ceased to exist still have to submit an annual return and new organisations may not have to submit a return until the next reporting period.

Trade Union Membership




6,695,098 members of trade unions



5,708,386 members in 12 largest unions

The 12 unions with a membership of over 100,000, accounted for 5,708,386 members or 85.3% of the total.

Table 2 – Distribution of trade union membership 2019-20

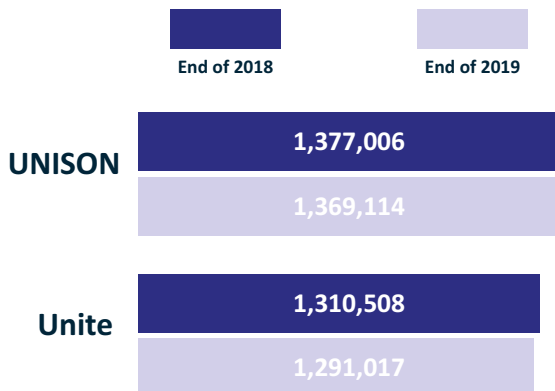
 Number of Members	 Number of Unions	Membership of all Unions	 Membership	Number of Unions
		As a Percentage		As a Percentage
Under 100	23	0.0	565	16.2
100-499	24	0.1	6,746	16.9
500-999	13	0.1	9,598	9.2
1,000-2,499	25	0.6	40,319	17.6
2,500-4,999	7	0.4	25,107	4.9
5,000-9,999	9	1.0	66,000	6.3
10,000-14,999	4	0.7	47,242	2.8
15,000-24,999	10	2.9	193,608	7.0
25,000-49,999	12	6.0	401,512	8.5
50,000-99,999	3	2.9	196,015	2.1
100,000-249,999	5	11.9	793,205	3.5
250,000 and over	7	73.4	4,915,181	4.9
Total	142	100	6,695,098	100

The current trade union membership of 6,695,098 reported in this annual report shows a decrease of 72,726 members from last year’s reported membership of 6,767,824.

This is a decrease of 1.07% over the last year. The total reported membership of around 6.7 million compares with membership of around 7.09 million in 2013, a fall of approximately 4.5% over the intervening period.

Figure 2 shows the trade unions whose membership has changed by 10,000 members or more since the previous reporting period.

Figure 2 – Decreased membership over 10,000 members



Membership Audit Certificate

Where trade union membership exceeds 10,000, a union is required to appoint a qualified independent person to be an assurer to provide the union with a membership audit certificate. The certificate must state whether, in the assurer’s opinion, the trade union’s system for compiling and maintaining the register of the names and addresses of its members was satisfactory for the purposes of complying with the union’s duties throughout the reporting period. Where a trade union’s membership is less than 10,000, the membership audit certificate must be completed by an authorised officer of the union.

In this reporting year 142 membership audit certificates were due and received. The Certification Officer has the power to require the production of documents if she thinks there is a good reason to do so.

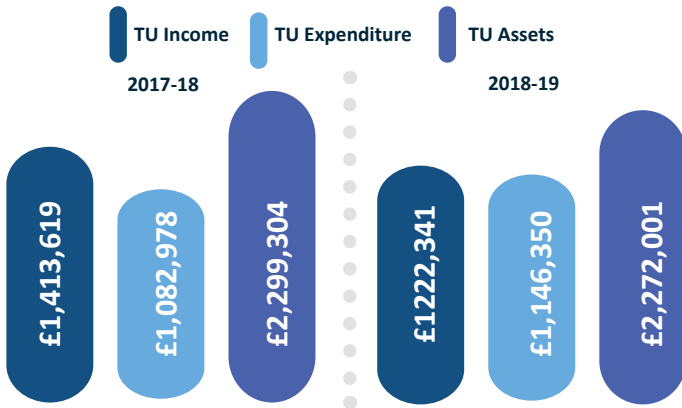
No circumstances arose leading the Certification Officer to use her powers.

No complaints regarding a union’s membership audit certificate were received during this reporting period

Trade Union Financial information

From the returns received during this reporting period, the gross income of trade unions was £1,222.34 million (see Appendix 4) a decrease of 13.5% on that reported by unions in the previous year. Income from members increased by 0.4% to £902.9 million. Income from investments fell by 22.1% and income from other sources fell by 39.5%.

Figure 3 – Comparison of trade union finances



Gross expenditure by unions during this reporting period rose by 5.9% to £1,146.35 million (see Appendix 4), while at the end of the reporting period total funds (net assets) amounted to £1,647.37 million (see Appendix 4), an increase of 0.1% over the previous period.

From the returns received in this period, the figures show the gross income of employers' associations was £495.67 million (see Appendix 6) compared with £484.06 million reported for the previous year, an increase of 2.4%. Income from members rose from £195.65 million to £197.41 million, an increase of 0.9%. Income from investments fell from £15.08 million to £12.61 million, a decrease of 16.3%. Other income rose from £273.33 million to £285.4 million an increase of 4.5%. During the same period, expenditure rose from £472.70 million to £505.38 million, an increase of 6.9%.



Total Trade Union Assets: £2,272m



Total Employers' Association Assets: £746m



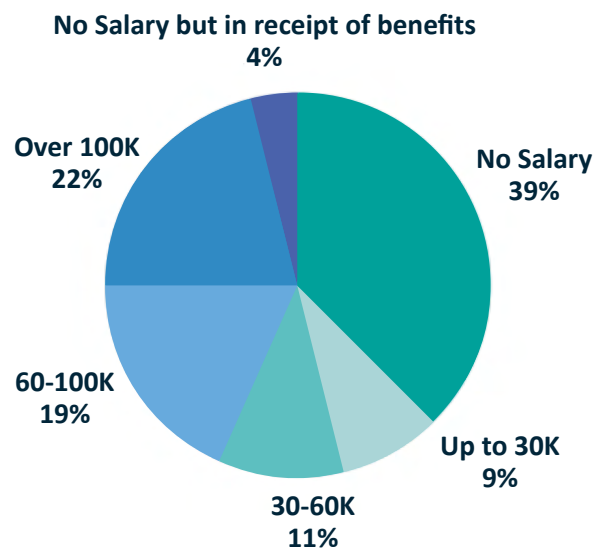
Total Political Fund Assets: £41m

The net assets were £2,272 million compared to £2,300 million the previous year, a decrease of 1.2%.

Salaries and benefits

Trade unions are required to include in their annual returns to the Certification Officer information about the salaries and benefits paid to certain national officers and executive members from the organisation's funds. Information from trade union annual returns received in the reporting period showed that 22.1% of unions paid a salary to their general secretary of over £100,000; 19.2% paid between £60,001 and £100,000; 10.7% paid between £30,000 and £60,000 and 9.2% paid up to £30,000; while the general secretaries of 38.5% did not receive a salary. A further six unions (4%), although paying no salary to their general secretary, did provide an honorarium or other benefits. Appendix 5 gives information on the salary and benefit payments in respect of each union which makes a payment to its general secretary.

Figure 4 – Distribution of salaries paid as a percentage of all unions



Trade unions must send a statement to all members containing certain information from the union's annual return for that year. The statement must be sent no later than eight weeks from the day on which the annual return is sent to the Certification Officer.

Superannuation schemes

Any superannuation scheme maintained by a trade union or employers' association covering members must be examined periodically by a qualified actuary with a copy of the actuarial report sent to the Certification Officer.

The Certification Officer is aware of eight members' superannuation schemes maintained by three trade unions. They are listed in Appendix 7 and are mostly small schemes. At the time of their last actuarial examination, four schemes had assets of over £500,000 and only the scheme of the National Union of Rail Maritime and Transport Workers covered more than 10,000 members.

No actuarial reports were due on superannuation schemes during the reporting period. The actuarial report for Unite the Union Litho Printers Superannuation Fund is due to be submitted by the 31 December 2020.

Information on Industrial Action and Ballots

26 unions reported on ballots held and Industrial action taken. Of these 14 reported both, 11 reported holding ballots only and 1 reported industrial action only. The ballot for this action had been held the previous year.

Information on Political Funds

21 Trade unions have Political Funds. Of these 15 reported detailed expenditures of over £2,000.

Chapter 3 – Mergers

There are statutory procedures for trade unions and unincorporated employers' associations to merge under the Trade Union and Labour Relations (Consolidation) Act 1992 Act. This can be by either a transfer of engagement or an amalgamation.

Under a transfer of engagement, the transferring organisation loses its legal identity whilst the organisation to which it transfers continues in being with its legal identity unchanged. An amalgamation produces a new organisation replacing each of the amalgamating bodies which cease to exist.

The 1992 Act and the Trade Unions and Employers' Associations (Amalgamations, etc.) Regulations 1975 lay down procedures governing both types of mergers. These procedures help safeguard the rights of members affected by ensuring members are informed about the proposal and have the opportunity to vote on it.

A member from the transferring union can make a complaint to the Certification Officer about the merger ballot. This must be done within six weeks of the application to register the instrument of transfer being sent

Mergers need to be endorsed by a majority of members. For transfers of engagements only members of the transferring organisation vote on the resolution. An amalgamation requires a favourable vote by members of each of the amalgamating organisations. If a merger is endorsed, an application to register the instrument of transfer or amalgamation must be made to the Certification Officer.

During this reporting period, there were two transfers of engagements involving trade unions.

The two registered transfers of engagements were the transfer of the BLUECHIP STAFF ASSOCIATION to Community and the transfer of the Independent Democratic Union to Community. Details are given at Appendix 8. These involved an estimated total of 8,011 members of the transferring unions.

A third transfer of engagement application was received from a union, however, its members voted against the proposed merger. The transfer therefore did not go ahead.

No complaints about mergers were received in the reporting period.

Chapter 4 – Political Funds

The 1992 Act enables trade unions and unincorporated employers' associations to establish separate funds in furtherance of political objectives as part of their aims. A resolution to adopt these political objects must be passed by a ballot of the members. Organisations wishing to continue to spend money on political objects must hold a review ballot of members at least every 10 years. The Certification Officer is the statutory authority for approving the establishment and continuance of political funds.

As at 31 March 2020, there were 21 unions which had political fund resolutions in force. This is the same number that was reported last year.

Members who joined a trade union with a political fund before 1 March 2018, can send a notice to the union notifying it of their objection to paying into the political fund. The union is required to comply with this request. Exemption notices are obtainable from the organisation concerned or from the Certification Office.

Members who joined a trade union with a political fund on or after 1 March 2018 will be automatically opted out from contribution to the political fund unless they give notice to the union that they wish to contribute to the political fund

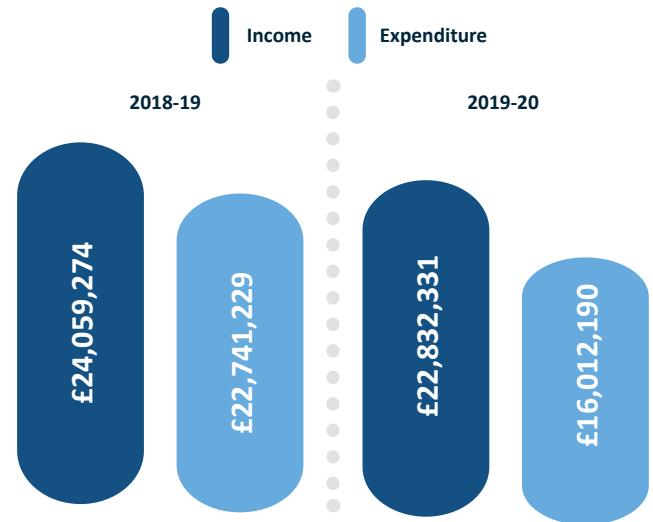
All trade unions which operate a political fund must notify their members of their right to withdraw an opt-in notice and send a copy of this notification to the Certification Office. All unions which were required to provide a copy of this notification during this reporting period did so.

No trade unions were required to hold the 10-yearly review ballots.

Information on political funds taken from annual returns is shown in Appendix 9. The total income of political funds was £22.83 million compared with £24.06 million reported during the period 2017-2018, a decrease of 5.1%. The total expenditure from political funds was £16.01 million compared with £22.74 million in the preceding year, a decrease of 29.6%.

The returns received within the period also show that the total value of political funds during the reporting period was £41.35 million: up £6 million (17%) on the £35.35 million in the previous reporting period.

Figure 5 – Comparison of total political fund income and expenditure



The annual returns show that the number of union members contributing to a political fund was 4,133,678 compared to 4,604,808 in the previous reporting period, a decrease of 471,130 members or 10.2%.

The annual returns reported 1,308,976 members who belong to unions with a political fund but who do not make a political fund contribution, either because they have claimed exemption or they belong to a category of membership which, under the rules of the union, does not contribute to the political fund.

A member can complain to the Certification Officer if a political fund ballot has been held, or is proposed to be held, in a way that does not comply with the rules for holding the ballot. Any complaint must be made within the period of one year beginning with the date on which the result of the ballot is announced by the union.

A trade union member who claims that their trade union has spent money on political objects without a political fund resolution being in force or without approved political fund rules may apply to the Certification Officer for a declaration that it has done so.

During the period 1 April 2019 to 31 March 2020, one complaint regarding the use of a trade union's funds for political purposes was determined. The decision on that complaint, *Oley & Others v Unite the Union*, is summarised in the next chapter.

Chapter 5 – Complaints

Elections for Certain Positions

A trade union must ensure that no-one takes up a position as a member of its executive committee, or as its general secretary without having been elected to that position. Nor may anyone remain in such a position for more than five years without having been re-elected to it. There are, however, exemptions in respect of amalgamations, newly formed unions, special register bodies and officers nearing retirement. Elections are required to be by postal ballot of the members of the union, conducted in accordance with the relevant provisions in the 1992 Act.

Individual trade union members, and candidates in the election, have the statutory right to apply to the Certification Officer for a declaration that their trade union has failed to comply with one or more of the relevant provisions of the 1992 Act. The Certification Officer will determine any such application and will give written reasons for her decision.

In the period 1 April 2019 to 31 March 2020, two people made complaints to the Certification Officer about elections. They both made one complaint each and both were determined by the Certification Officer. The details of these decision are:

Parlour v NASUWT (D/19/19-20)

Mrs Parlour made a complaint under section 46 of the 1992 Act alleging that the current General Secretary had been in post for more than five years. The Union conceded a breach of section 46 (1) (a) and (b) of the 1992 Act. The Certification Officer therefore upheld the complaint and made a declaration but did not consider it appropriate to make an enforcement order as the union had already started the process of electing a new General Secretary.

Crew v Aegis the Union (D/26/19-20)

Mr Crew made a complaint under section 46 of the 1992 Act relating to the election for Assistant General Secretary for the Union's Aegon Branch. The Certification Officer upheld the complaint and made an enforcement order requiring that the union ensures that any person undertaking the role of Assistant General Secretary for the Aegon Branch of the Union has been: a) elected to

the National Council of the Union; or b) directly elected as Assistant General Secretary following an election complying with the statutory provisions. The Union has since confirmed that it has complied with the order.

Financial irregularities

The 1992 Act allows the Certification Officer to investigate the financial affairs of almost all trade unions and employers' associations (exceptions being in respect of federated employers' associations and trade unions, and in respect of organisations that have been in existence for less than 12 months).

Two allegations of financial irregularities within trade unions which were received during the previous reporting period were considered this year. In addition, two new allegations were raised during this reporting period. Following correspondence with the individuals making these allegations, the Certification Officer did not consider there was sufficient reason to make enquiries with the union or to otherwise engage her powers and no further action was taken.

Access to accounting records

One member made a complaint relating to access to accounting records in this reporting year. The case is due to be determined in the next reporting period.

Political Funds

In the reporting year 2017-18, Mr Oley and seven other members made a complaint against Unite the Union on the use of its political funds: Oley & Others v Unite the Union (D/12/19-20). The applicants' complaint was that the Union had spent a sum of money on political objects from its general fund rather than from its political fund. The Certification Officer upheld the complaint following the union conceding to the breach. However, she did not consider it appropriate to make an enforcement order as the union had already repaid the monies from its political fund to the general fund. This case was determined without the need for an oral hearing.

Breach of Union Rules

Individual trade union members have the right to apply to the Certification Officer if there has been a breach or threatened breach of a trade union's rules relating to any of the matters set out in section 108A(2) of the 1992 Act.

The matters are:-

- (a) the appointment or election of a person to, or the removal of a person from, any office;
- (b) disciplinary proceedings by the union (including expulsion);
- (c) the balloting of members on any issue other than industrial action;
- (d) the constitution or proceedings of any executive committee or of any decision-making meeting;

If the Certification Officer accepts a complaint, she is required to make such enquiries as she thinks fit and, before reaching a decision on the complaint, provide the claimant and the trade union with an opportunity to be heard. All hearings before the Certification Officer are held in public.

The Certification Officer must give written reasons for her decision and, where she makes a declaration, she is required to make an enforcement order unless she considers that it would be inappropriate to do so.

Complaints received in this reporting period (2019-20)

In this reporting period, seven union members made complaints to the Certification Officer against six different unions. These cases comprised 11 separate complaints for the Certification Officer's determination.

Seven of these have been determined by the Certification Officer. Five were struck out on the basis that they had no reasonable prospect of success or were otherwise misconceived.

The Certification Officer made one declaration that a union had breached or threatened to breach its rules. No enforcement order was issued.

Complaints received in previous reporting years

The Certification Officer determined 19 complaints received from nine union members from previous years.

Of these, two complaints were dismissed by the Certification Officer on withdrawal by the applicant. Nine were struck out on the basis that they had no reasonable prospect of success or were otherwise misconceived.

In the case of **McFadden v Unite the Union**, the Certification Officer held a direction hearing to determine a preliminary point. See further details on page 19.

Kelly v Musicians' Union (D/41/18-19) – this decision was reported in the previous Annual Report. The Union successfully appealed the decision to the Employment Appeals Tribunal. Mr Kelly appealed the EAT decision at the Court of Appeal. The outcome of that appeal is still pending. The Appeal Court will consider the appeal in the next reporting period.

Cases that remain to be determined

As of 31 March 2020, complaints from six members remain to be determined.

Cases determined

Watkins v BMA (D/13-18/19-20)

Dr Watkins made seven complaints; one of which was struck out. Dr Watkins' application related to a disciplinary process applied to him following a complaint about his conduct from another union member. Dr Watkins alleged various breaches of rules contained in the Union's Articles of Association, Bye-Laws and its Living our Values Support and Sanctions Process. One issue was the Union's refusal to accept Dr Watkins' nomination to stand for Council elections during his year-long suspension. The Certification Officer dismissed complaints 2-6. Complaint 1, which was that the Union had imposed suspension on Dr Watkins ahead of the outcome of his appeal, was conceded by the Union. The Certification Officer declined to make an enforcement order as the breach had no impact on Dr Watkins' eligibility for the Council election.

Dunham v Society of Radiographers (D/24/19-20)

Mr Dunham made one complaint that the Union had breached a disciplinary rule in relation to disciplinary proceedings. The Certification Officer refused the complaint.

Dinsdale (2) v GMB (D/27-28/19-20)

Mr Dinsdale made two complaints that the Union had breached rules relating to the appointment and/or removal of a person from office. The Certification Officer refused his complaints.

St John v Unite the Union (D/29/19-20)

Mr St John made a complaint that the Union had breached a provision of its EC Guidance relating to the election of workplace representatives. The Certification Officer refused the complaint. Although the Union submitted that the EC Guidance did not form part of the rules of the Union, the Certification Officer's conclusion meant that she did not need to determine this point.

McFadden v Unite the Union (PH/1/19-20)

This preliminary decision results from Mr McFadden's second application to this Office in relation to disciplinary proceedings against him which arose from a complaint from another union member. The first application was upheld by the Assistant Certification Officer (D/28-29/17-18 dated 3 October 2017) who made a declaration that a union disciplinary proceeding were "null and void and of no effect".

The preliminary hearing addressed the question of whether the Union was entitled to initiate the second disciplinary action against Mr McFadden. The Certification Officer decided the Union was not prevented from launching the second action because a union's disciplinary procedures could not be construed as litigation or an adjudication that is susceptible to the doctrine of res judicata. She therefore directed that the application be listed for a full hearing.

Mr McFadden appealed the decision to the Employment Appeal Tribunal who upheld his appeal on the basis that the declaration made by the Assistant Certification Officer prevented the Union from taking forward a second set of disciplinary procedures. The Union has appealed this decision to the Court of Appeal.

Enquiries to the Certification Officer

In addition to the applications determined during this reporting year, a further eight enquiries or applications required further significant correspondence to establish whether the Certification Officer had powers to consider the complaints. Ultimately these enquiries were either not pursued by the applicant, or did not relate to issues that could be determined by the Certification Officer.

In the period 1 April 2019 to 31 March 2020, a total of 740 enquiries were received. These fall under the following broad headings in the table below.

Not all enquires result in applications to the Certification Officer. For example, the Certification Officer has no jurisdiction regarding complaints about inadequate representation of members by their union (276 queries) or in relation to the provision of union benefits or membership.

General advice on the role of the Certification Officer	77
Issues relating to the listing of trade unions and employers' associations	55
Enquiries about annual returns and financial issues	143
Certificates of independence	5
Appointment, election or dismissal from/to any office in the union	14
Disciplinary proceedings within the union	35
Balloting of union members (other than industrial action)	9
Political funds	28
Statutory elections	22
Inadequate representation of members by their union	276
Others	76
Total	740

Protected Disclosures and the Certification Officer

The Certification Officer is a designated or a 'prescribed person' under the Public Interest Disclosure Regulations 2014 in relation to relevant disclosures by employees/workers of trade unions and employers' associations. Under Part IVA of the Employment Rights Act 1996 and the 2014 Regulations, employees/workers of a trade union or employers' association may be protected if they make a relevant disclosure to the Certification Officer. A relevant disclosure to the Certification Officer is defined in the 2014 Regulations as being one related to fraud, and other irregularities relating to the financial affairs of trade unions and employers' associations.

During this reporting period the Certification Officer received no relevant disclosures.

Appendices

- Appendix 1 List of Trade Unions at 31 March 2020
- Appendix 2 List of Employers' Associations at 31 March 2020
- Appendix 3 Decisions on Trade Union Independence during the period 1 April 2019 to 31 March 2020
- Appendix 4 Summary of Statistics – Trade Unions, returns received during the period 1 April 2019 to 31 March 2020
- Appendix 5 Salary and Benefits of Trade Union General Secretaries
- Appendix 6 Summary of Statistics – Employers' Associations, returns received during the period 1 April 2019 to 31 March 2020
- Appendix 7 Trade Unions Maintaining Members' Superannuation Schemes at 31 March 2020
- Appendix 8 Mergers completed during the period 1 April 2019 to 31 March 2020
- Appendix 9 Political Funds of Trade Unions, 2018-2019
- Appendix 10 Current statutory fees applicable
- Appendix 11 Certification Office Publications
- Appendix 12 Certification Officer Functions
- Appendix 13 Certification Officer Letter to General Secretaries regarding the Pandemic

Appendix 1

List of Trade Unions at 31 March 2020

Notes:

Italics Denotes a trade union first entered in the list during 1 April 2019 to 31 March 2020.

*

(P) Denotes a trade union with a political fund resolution in force at 31 March 2020.

England and Wales

- * Accord
- * Advance
- * Affinity
 - Aircrew Officers Association Europe
 - Alliance for Finance
- * Artists' Union England
- * Associated Society of Locomotive Engineers and Firemen (P)
- * Associated Train Crew Union
- * Association for Clinical Biochemistry & Laboratory Medicine, The
- * Association of Educational Psychologists
- * Association of Local Authority Chief Executives
- * Association of Revenue and Customs
- * Association of School and College Leaders

- * Bakers Food and Allied Workers Union (P)
 - Balfour Beatty Group Staff Association
 - Boots Pharmacists' Association (BPA)
- * British Air Line Pilots Association
- * British Association of Dental Nurses
- * British Association of Journalists
- * British Association of Occupational Therapists Limited
- * British Dental Association
- * British Dietetic Association
- * British Medical Association
- * British Orthoptic Society Trade Union

- Cabin Crew Union UK
- * Chartered Society of Physiotherapy
- * Cleaners and Allied Independent Workers Union (CAIWU)
- * College of Podiatry, The
- * Communication Workers Union (P)
- * Community (P)
 - Confederation of British Surgery
 - Currys Supply Chain Staff Association (CSCSA)
 - CWOATA Trade Union*

Driver and General Union

Employees General Union

Employees United

Equality for Workers Union (EFWU)

* Equity (Incorporating the Variety Artistes Federation)

European SOS Trade Union

* FDA

* Fire Brigades Union (P)

* Fire Officers Association

* Fire and Rescue Services Association

* Finance Services Union

G4S Care and Justice Services Staff Association

General Federation of Trade Unions

* GMB (P)

* Guild of Professional Teachers of Dance, Movement to Music and Dramatic Arts

Headmasters and Headmistresses Conference

* Hospital Consultants and Specialists Association

*Independent Pilots Association

*Independent Workers Union of Great Britain (IWGB)

*Industrial Workers of the World

Institute of Football Management and Administration

* Institute of Journalists (Trade Union)

* ISU

Leeds Building Society Colleague Association

* Leek United Building Society Staff Association

Locum Doctors Association

* Musicians' Union (P)

Myunion

* NAPO – the Trade Union and Professional Association for Family Court and Probation Staff

* National Association of Head Teachers

* National Association of NFU Group Secretaries

* National Association of Racing Staff

* National Association of Schoolmasters Union of Women Teachers (P)

* National Crime Officers Association

* National Education Union (P)

* National House Building Council Staff Association

* National Society for Education in Art and Design

* National Union of Journalists

* National Union of Mineworkers (P)

National Union of Mineworkers (Cokemen's Area)

* National Union of Mineworkers (Colliery Officials and Staffs Area)

* National Union of Mineworkers (Colliery Officials and Staffs Area) (Region No. 4)

National Union of Mineworkers (South Wales Area)

* National Union of Rail Maritime and Transport Workers (P)

* Nationwide Group Staff Union

* Nautilus International

News Union
North of England Zoological Society Staff Association

Palm Paper Staff Association

* PDA Union

* POA (P)

Poole Greyhound Trainers Union

* PPU

* Prison Governors Association

Professional Cricketers' Association

Professional Footballers' Association

* Prospect (P)

Psychotherapy and Counselling Union

PTSC

* Public and Commercial Services Union (P)

* Retail Book Stationery and Allied Trades Employees Association

* Royal College of Midwives

* Royal College of Nursing of the United Kingdom

RSPB Staff Association

Rugby Players' Association

* Sales Staff Association

* SKYSHARE

* Social Workers Union (SWU)

* Society of Authors

* Society of Radiographers (P)

* Society of Union Employees (UNISON)

* Transport Salaried Staffs Association (P)

* Undeb Cenedlaethol Athrawon Cymru (National Association of Teachers of Wales)

* Union of Democratic Mineworkers

Union of General and Volunteer Workers

* Union of Shop Distributive and Allied Workers (P)

* UNISON – The Public Service Union (P)

Union Workers' Union

* United Road Transport Union

* United Voices of the World

* Unite the Union (P)

* University and College Union (P)

* Voice

WALGAS TU

Warwick International Staff Association

Welsh Rugby Players Association

* Workers of England Union

* Workers Uniting

* Writers Guild of Great Britain

Scotland

- * Aegis the Union
- * Association of Head Teachers and Deputes in Scotland
- * Educational Institute of Scotland (P)
 - Independent Federation of Nursing in Scotland
 - Scottish Artists Union
- * Scottish Secondary Teachers' Association
 - Solidarity
- * United and Independent Union

Schedule to Appendix 1

This schedule contains the names of those trade unions known to the Certification Officer which are within the statutory definition of a trade union but which have not applied to be entered on the list at 31 March 2020.

Notes:

(≠) Denotes a branch of an American trade union.

England and Wales

Association of Flight Attendants (Council 07) ≠
Association of Local Council Clerks
Association of Trade Union Political and Public Sector Staff

Confederation of Shipbuilding and Engineering Unions

Employees Representatives

Federation of Entertainment Unions

International Transport Workers Federation

Trades Union Congress

Scotland

Professional Footballers' Association Scotland

Appendix 2

List of Employers' Associations at 31 March 2020

Note:

Italics Denotes an Employers' Association first entered in the list during 1 April 2019 to 31 March 2020.

England and Wales

Advertising Producers' Association
Association of British Orchestras
Association of Circus Proprietors of Great Britain
Association of Indian Banks in the United Kingdom
Association of Newspaper and Magazine Wholesalers
Association of Plumbing and Heating Contractors

British Amusement Catering Trades Association
British Lace Federation
British Printing Industries Federation
Builders Merchants Federation Ltd
Building & Engineering Services Association

Construction Plant-Hire Association

East of England Local Government Association
EEF Limited
Electrical Contractors' Association
Engineering Construction Industry Association
England and Wales Cricket Board Limited

Federation of Dredging Contractors
Federation of Master Builders
Federation of Window Cleaners

Glass and Glazing Federation

Lancashire Textile Manufacturers' Association
Leather Producers' Association
London Councils

National Association of Farriers Blacksmiths and Agricultural Engineers
National Association of Master Bakers
National Farmers Union
National Federation of Retail Newsagents
National Hair and Beauty Federation Limited
National Trainers Federation
North East Regional Employers' Organisation for Local Authorities

North Western Local Authorities Employers' Organisation

Producers Alliance for Cinema and Television

Retail Motor Industry Federation Ltd

Showmens Guild of Great Britain
Smithfield Market Tenants' Association London
South East Employers

Thermal Insulation Contractors Association 7

UK Cinema Association
UK Fashion and Textile Association Ltd

Vehicle Builders and Repairers Association Limited

Welsh Local Government Association
West Midlands Employers

Yorkshire and Humber (Local Authorities) Employers' Association

Scotland

Electrical Contractors' Association of Scotland
Employers in Voluntary Housing Limited

Print Scotland

Malt Distillers' Association of Scotland

NFU Scotland

Scottish Decorators' Federation
Scottish Engineering
Scottish and Northern Ireland Plumbing Employers' Federation

Schedule to Appendix 2

This schedule contains the names of those employers' associations known to the Certification Officer which are within the statutory definition of an employers' association but which have not applied to be entered on the list at 31 March 2020.

England and Wales

Association of Colleges

BFM Limited

British Footwear Association

British Printing Industries Federation Ltd

British Travelgoods and Accessories Association

Chemical Industries Association Ltd

Confederation of Paper Industries Ltd

Co-operative Employers' Association Limited

Dairy UK

East Midlands Councils

Freight Transport Association

Incorporated Guild of Hairdressers Wigmakers and Perfumers

Improvement and Development Agency

London Association of Funeral Directors

Master Carvers Association

Metal Packaging Manufacturers' Association

National Federation of Roofing Contractors Ltd

Refractory Users Federation

Road Haulage Association Limited

Society of London Theatre "SOLT"

South West Councils

UK Theatre Association

Universities and Colleges Employers' Association

Scotland

Angus and Kincardine Master Plumbers' Association

Banff and Moray Master Plumbers' Association
British Packaging Association

Fife and Kinross Master Plumbers' Association

Glasgow and West of Scotland Plumbing Employers' Association

Inverness and Northern District Master Plumbers' Association

Perth and District Master Plumbers' Association

Scottish Association of Master Bakers
Scottish Association of Meat Wholesalers
Scottish Motor Trade Association Limited
SNIPEF Edinburgh and District Branch

Appendix 3

Decisions on Trade Union Independence during the period 1 April 2019 to 31 March 2020

Certificates of independence issued

None

Certificates of independence refused

None

Certificates of independence withdrawn

None

Certificates cancelled because the union's name was removed from the list of trade unions

None

Certificates cancelled because the union's name was removed from the list of trade unions as the result of a merger

Independent Democratic Union

Applications in progress

None

Number of Certificates in force as at 31 March 2020

90

Appendix 4

Summary of Statistics – Trade Unions, returns received during the period 1 April 2019 to 31 March 2020

The annual returns completed by trade unions for the Certification Officer require the accounts to be shown in a particular way. The figures used in this Appendix are taken from the summary sheets of these annual returns and provide a simple analysis of each union's financial affairs for the year. Individual annual returns are available on the website www.gov.uk/certificationofficer or copies can be obtained from the Certification Office.

The information in the table relates to returns received during the reporting period. Although a large proportion of these returns are for the year ending 31 December 2018, the table includes returns from trade unions with year ending dates ranging from October 2018 to September 2019 and therefore due in this Office between 1 April 2019 and 31 March 2020.

Notes to the Summary of Statistics schedule

- (a) The total membership reported by some trade unions includes a number of special categories (e.g. honorary or retired) who are members under the union's rules but who either pay no contribution to union funds or make a nominal payment only.
- (b) Investment income is shown net of certain items such as outgoings on property held as an investment, but not, for most unions, net of tax paid on that income.
- (c) The total income and total expenditure figures are not confined to normal revenue income and expenditure. The figures cover all items which increased or decreased a union's total funds during the year. They are inclusive of recognised gains and losses, including revaluation of property and assets and other changes in the value of assets, which are not offset by an equal change in liabilities. Tax recoveries and provisions no longer required are included in total income, and tax paid is included in total expenditure.

Summary of Statistics – Trade Unions, 2018-2019: Appendix 4

Notes – see previous page

	Number of Members (a)	GROSS INCOME			GROSS EXPENDITURE	TOTAL FUNDS			GROSS ASSETS				
		From Members £000's (2)	From Investments £000's (3)	Other Income £000's (4)		Total Income £000's (5)	Total Expenditure £000's (6)	Beginning of The Year £000's (7)	End of The Year £000's (8)	Fixed Assets £000's (9)	Investment Assets £000's (10)	Other Assets £000's (11)	Total Assets £000's (12)
UNISON: The Public Service Union	1,369,114	162,946	603	19,304	182,853	178,060	112,560	117,353	99,934	10,750	158,774	269,458	152,105
Unite the Union	1,291,017	167,227	2,511	43,335	213,073	148,817	332,691	396,947	175,655	59,454	172,560	407,669	10,722
GMB	615,558	68,921	1,310	-611	69,620	70,534	105,338	104,424	39,032	28,064	41,730	108,826	4,402
Royal College of Nursing of the United Kingdom	458,142	48,596	866	2,501	51,963	46,542	38,847	44,268	0	33,735	21,055	54,790	10,522
National Education Union	436,051	37,166	4,379	4,172	45,717	49,634	65,358	61,441	53,551	26,196	32,511	111,257	49,815
Union of Shop Distributive and Allied Workers	431,610	39,617	1,515	4,010	45,142,	31,674	47,709	61,177	5,124	73,589	11,730	90,443	29,266
National Association of Schoolmasters Union of Women Teachers	313,565	29,431	1,458	2,571	33,460	30,889	36,139	38,711	30,373	20,424	4,798	55,595	16,884
Communication Workers Union	191,438	29,693	503	326	30,522	30,026	17,906	18,401	22,707	6,363	16,041	45,111	26,709
Public and Commercial Services Union	180,646	21,233	578	7,932	29,744	19,689	22,394	32,449	21,222	1,412	11,751	34,385	1,935

British Medical Association	155,792	48,019	6,349	90,545	144,913	123,129	102,872	124,656	9,643	121,900	53,435	184,978	60,322
Prospect	143,866	21,353	2,191	3,101	26,645	26,961	22,807	22,491	14,285	32,834	4,342	51,461	28,970
University and College Union	121,463	22,874	38	182	23,095	26,436	32,205	28,863	14,096	1,362	28,856	44,314	15,451
Total for above unions with 100,000 members or more	5,708,386	697,077	22,302	177,369	896,747	782,391	936,826	1,051,183	484,622	416,083	557,583	1,458,287	407,104
Total for 120 other listed unions with less than 100,000 members	983,767	183,896	10,580	48,213	242,778	254,803	426,397	414,372	157,286	294,886	125,366	577,438	163,166
Total for listed unions	6,692,153	881,062	32,881	225,582	1,139,525	1,037,193	1,363,223	1,465,555	641,908	710,968	682,949	2,035,825	570,270
Trades Union Congress	48	15,375	3,405	13,668	32,448	35,698	84,606	81,356	65,605	10,452	16,917	92,974	11,618
Total for 7 other unlisted unions which have submitted returns	2,897	6,525	2,175	41,669	50,368	73,458	123,553	100,463	27,431	104,280	11,490	143,201	42,738
Total for all unions 2018-2019	6,695,098	902,963	38,461	280,918	1,222,342	1,146,349	1,571,382	1,647,374	734,944	825,700	711,355	2,271,999	624,626
Total for all unions 2017-2018	6,767,824	899,646	49,345	464,628	1,413,619	1,082,978	1,314,642	1,645,283	686,442	930,304	682,555	2,299,304	654,021

Appendix 5

Salary and Benefits of Trade Union General Secretaries

	Title (General Secretary unless otherwise stated)	Salary £		Benefits £	
England and Wales					
Accord	General Secretary	126,842		14,368	
Advance	General Secretary	16,404		4,992	
Affinity	General Secretary	101,520		30,978	
Associated Society of Locomotive Engineers and Firemen	General Secretary	99,986		26,384	
Association of Educational Psychologists	General Secretary	67,602		7,487	
Association of School and College Leaders	General Secretary	134,172		18,912	
Association of Trade Union Political and Public Sector Staff	Acting General Secretary	0		100	(b)
Bakers, Food and Allied Workers' Union	General Secretary	49,216		19,097	
Bluechip Staff Association	General Secretary	17,208		3,429	
Boots Pharmacists' Association (BPA), The	Chief Executive Officer	0		23,678	(b)
British Air Line Pilots Association	General Secretary	111,822		20,507	
British Association of Journalists	General Secretary	35,000		613	
British Dental Association	General Secretary	75,000		0	
British Medical Association	Chairman	171,000		0	
Chartered Society of Physiotherapy	Chief Executive	124,142		21,711	
College of Podiatry, The	General Secretary	102,326		8,186	
Communication Workers Union	General Secretary	97,898		29,100	
Community	General Secretary	115,069		34,918	
Confederation of Shipbuilding and Engineering Unions	General Secretary	85,422		17,340	
Curry's Supply Chain Staff Association (CSCSA)	General Secretary	28,973		2,897	
Driver and General Union	General Secretary	10,389		77	
Equality For Workers Union (EFWU)	General Secretary	29,516		476	
Equity (Incorporating the Variety Artists' Federation)	General Secretary	111,195		6,000	

	Title (General Secretary unless otherwise stated)	Salary £		Benefits £	
FDA	General Secretary	105,928		26,113	
Financial Services Union	General Secretary	110,992	(a)	240,579	(c)
Fire and Rescue Services Association	Chief Executive	45,542		3,960	
Fire Brigades Union	General Secretary	74,834		48,411	
Fire Officers' Association	General Secretary	37,376		3,023	
G4S Care and Justice Services Staff Association	General Secretary	35,492		12,008	
General Federation of Trade Unions	General Secretary	75,000		20,981	
GMB	General Secretary	105,000		36,000	
Guild of Professional Teachers of Dance, Movement to Music and Dramatic Arts	General Secretary	15,390		0	
Headmasters' and Headmistresses' Conference	General Secretary	144,261	(d)	12,932	(d)
Hospital Consultants and Specialists Association	Chief Executive	69,176		6,918	
Independent Democratic Union	General Secretary	57,557		5,275	
Independent Pilots Association	General Secretary	40,940		2,441	
Independent Workers Union of Great Britain (IWGB)	General Secretary	28,405		3,062	
Institute of Journalists (Trade Union)	General Secretary	42,500		2,628	
International Transport Workers Federation	General Secretary	180,000		32,000	
ISU	General Secretary	80,136		0	
Locum Doctor's Association	Chairperson	0		300	(b)
Musicians' Union	General Secretary	129,985		1,570	(a)
NAPO – The Trade Union and Professional Association for Family Court and Probation Staff	General Secretary	72,295		2,892	
National Association of Head Teachers	General Secretary	141,290		25,600	
National Association of NFU Group Secretaries	General Secretary	7,368		0	
National Association of Racing Staff	Chief Executive	63,460		3,155	
National Association of Schoolmasters Union of Women Teachers	General Secretary	105,282		42,241	

	Title (General Secretary unless otherwise stated)	Salary £		Benefits £	
National Crime Officers Association	Secretary	36,467		577	
National Education Union	General Secretary	145,088	(d)	32,721	(d)
National Union of Journalists	General Secretary	90,467		10,903	
National Union of Mineworkers	Secretary	35,530		11,392	
National Union of Mineworkers (Colliery Officials and Staffs Area) Region No 4	General Secretary	12,240		2,576	
National Union of Mineworkers (South Wales Area)	General Secretary	49,477		703	
National Union of Rail, Maritime and Transport Workers	Acting General Secretary	103,902		42,678	
Nationwide Group Staff Union	General Secretary	133,656		29,941	
Nautilus International	General Secretary	94,877		22,796	
News Union	General Secretary	86,224		3,416	
PDA Union	General Secretary	0		5,000	(b)
POA	General Secretary	73,676		36,581	
Professional Cricketers Association	General Secretary	126,209		8,075	
Professional Footballers' Association	General Secretary	1,188,765		833,932	(e)
Prospect	General Secretary	116,000		15,000	
Public and Commercial Services Union	General Secretary	95,165		15,036	
Retail Book Stationery and Allied Trades Employees Association	President	39,793		22,872	
Royal College of Midwives	General Secretary	125,407	(f)	23,326	(f)
Royal College of Nursing of the United Kingdom	General Secretary	174,098	(d)(g)	117,650	(d)(g)
RSPB Staff Association	Chairperson	0		1,200	(b)
Rugby Players Association, The	General Secretary	125,080		10,540	
Social Workers Union, The	General Secretary	73,892		1,436	
Society of Authors, The	General Secretary	100,803		8,776	
Society of Radiographers	Chief Executive	56,921		22,118	
Trades Union Congress	General Secretary	112,142		40,014	
Transport Salaried Staffs Association	General Secretary	87,890		24,609	
Undeb Cenedlaethol Athrawon Cymru (The National Association of the Teachers of Wales)	General Secretary	55,124	(d)	9,435	(d)

	Title (General Secretary unless otherwise stated)	Salary £		Benefits £	
Union of Democratic Mineworkers	General Secretary	50,050		11,915	
Union of General & Volunteer Workers	General Secretary	0		750	(b)
Union of Shop Distributive and Allied Workers	General Secretary	130,739	(d)	39,280	(d)
UNISON: The Public Service Union	General Secretary	113,756		9,718	
Unite the Union	General Secretary	77,324		9,254	
United Road Transport Union	General Secretary	65,479		56,473	
United Voices of the World	General Secretary	23,900		0	
University and College Union	General Secretary	72,805	(d)	417,565	(d)(i)
Voice	General Secretary	67,749		3,057	
Welsh Rugby Players Association	General Secretary	64,483	(h)	1,084	(h)
Workers of England Union	General Secretary	17,103		200	
Writers Guild of Great Britain	General Secretary	60,500		5,445	
Scotland					
Aegis	General Secretary	65,978		19,886	
Association of Headteachers and Deputes in Scotland	General Secretary	67,307		11,410	
Educational Institute of Scotland	General Secretary	104,555		31,663	
Independent Federation of Nursing in Scotland	General Secretary	29,904		0	
Scottish Secondary Teachers Association	General Secretary	91,556		15,850	
Solidarity	General Secretary	8,109		40	

Notes:

- (a) Total paid in respect of three people holding office as General Secretary within the reporting period.
- (b) Honorarium.
- (c) Ex- Gratia Payments of £231,130 was paid to two people holding post for the reporting period.
- (d) Total paid in respect of two people holding office as General Secretary within the reporting period.
- (e) This includes a bonus of £777,183.
- (f) Salary paid to General Secretary includes all aspects of the College and not just the Union.
- (g) This includes payment of £99,953 made in respect of the General Secretary's role as Chief Executive of the RCN Charter Body. The amount of £83,705 was paid to one individual as a post -employment payment.
- (h) The total amount paid is for the accounting period of 17 months Jan 2018–May 2019.
- (i) A post-employment payment of £400,000 was paid to one individual.

Appendix 6

Summary of Statistics – Employers’ Associations, returns received during the period 1 April 2019 to 31 March 2020

The figures used are taken from the summary sheets of the annual returns received from employers’ associations and provide a simple analysis of each association’s financial affairs for the year. Individual annual returns are available on the website or can be viewed at, or obtained from, the Certification Office. Where an association has functions outside the field of employment relations, the return may relate to its activities as a whole and not merely to its employment relations functions.

The information in the table relates to returns received during the reporting period. Although a large proportion of these returns are for the year ending 31 December 2018, the table includes returns from employers’ associations with year ending dates ranging from October 2018 to September 2019 and therefore due in this Office between 1 April 2019 and 31 March 2020.

Notes

- (a) Income from investments includes interest on short term deposits.
- (b) Total income and gross expenditure figures are not confined to normal revenue income and expenditure. The figures include all items which increased or decreased an association’s funds during the year. This includes any increases or decreases in the valuation of property and other assets. Tax recoveries and provisions no longer required are included in total income and tax paid is included in total expenditure.
- (c) Some figures may have changed from last year’s report due to later information.

Summary of Statistics – Employers’ Associations, 2018-2019: Appendix 6

	GROSS INCOME			GROSS EXPENDITURE		TOTAL FUNDS			GROSS ASSETS				Total Liabilities	Number of Members
	From Members	From Investments	Other Income	Total Income	Beginning of The Year	End of The Year	Fixed Assets	Investments	Other Assets	Total Assets				
	£000's	(a)	(b)	(c)	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's		
Employers' Associations with over £2,500,000 total income	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	
England and Wales Cricket Board Limited	0	730	170,004	170,734	168,066	8,580	11,248	1,465	53,956	65,436	120,857	109,609	342	
London Councils	45,244	-536	20,177	64,885	62,701	-14,233	-12,049	1,324	0	24,426	25,750	37,799	35	
EEF Limited	16,500	2,930	24,651	44,081	50,080	58,079	52,080	26,127	49,534	13,086	88,747	36,667	1,898	
National Farmers Union	31,992	3,972	835	36,799	42,065	128,754	123,488	19,864	128,564	7,514	155,942	32,454	80,168	
Freight Transport Association Limited	30,507	14	134	30,655	30,578	8,783	8,860	4,997	416	9,496	14,909	6,049	17,506	
Road Haulage Association Limited	3,965	4	7,831	11,800	11,898	2,001	1,903	2362	100	6,664	9,126	7,223	7,239	
Building & Engineering Services Association	3,893	-262	7,464	11,095	10,486	1,026	1,635	2,596	6,979	9,015	18,590	16,955	1,109	
Electrical Contractors Association	4,375	633	5,593	10,601	11,725	56,510	55,386	1,475	47,891	12,704	62,070	6,684	2,692	
Association of Colleges	5,256	-299	4,215	9,172	9,078	-8,114	-8,020	276	0	6,218	6,494	14,514	270	
Society of London Theatre "SOLT"	562	28	6,498	7,088	6,850	1,102	1,340	1564	0	19,393	20,957	19,617	217	
Retail Motor Industry Federation Limited	4,099	356	2,575	7,030	7,710	24,899	24,219	3,975	24,079	922	28,976	4,757	10,175	
Federation of Master Builders	3,941	284	1,386	5,611	5,645	8,290	8,256	5,962	2,426	2,032	10,420	2,164	8,052	
Electrical Contractors Association of Scotland	1,557	2,006	1,558	5,121	4,497	5,738	6,362	2,827	50	4,285	7,162	800	1,237	
Chemical Industries Association Limited	3,650	11	1,080	4,741	5,583	2,736	1,894	292	0	5,508	5,800	3,906	95	

National Federation of Retail Newsagents	3,529	59	851	4,439	4,854	7,510	7,095	4,013	2,197	1,645	7,855	760	12,268
Glass and Glazing Federation	1,131	826	2,074	4,031	3,752	9,528	9,807	7,540	1,946	2,705	12,190	2,384	468
British Printing Industries Federation	2,245	1	1,420	3,666	4,050	-3,112	-3,496	465	0	715	1,180	4,676	2
Scottish Motor Trade Association Limited	436	16	3,157	3,609	3,438	2,552	2,723	498	466	2,704	3,668	945	1,324
Producers Alliance for Cinema and Television Limited	2,852	37	515	3,404	3,048	2,059	2,415	14	0	3,417	3,431	1,016	549
National Federation of Roofing Contractors Limited	1,585	3	1,570	3,158	3,197	1,367	1,328	170	0	2,559	2,729	1,401	1,250
NFU Scotland	2,200	72	800	3,072	3,014	2,910	2,968	164	2,890	833	3,887	919	8,318
Showmen's Guild of Great Britain, The	957	2	2,071	3,030	2,754	6,510	6,786	3,948	3	3,346	7,297	511	3,627
Dairy UK Limited	1,246	23	1,722	2,991	3,292	7,300	6,999	7,375	437	840	8,652	1,653	200
East of England Local Government Association	651	0	1,980	2,631	3,830	-2,829	-4,028	0	0	2,561	2,561	6,589	52
Total for above Employers' Associations	172,371	10,910	270,161	453,442	462,191	317,943	309,194	97,728	323,499	208,025	629,252	320,057	159,093
Total for 37 other listed Employers' Associations	14,727	1,132	9,341	25,200	24,331	44,630	45,499	14,806	36,694	26,539	78,038	32,539	14,970
Total for 27 other unlisted Employers' Associations	10,317	575	6,143	17,036	18,859	20,858	19,035	2,710	24,790	11,040	38,540	19,506	6,732
Total for all Employers' Associations 2018-2019	197,416	12,617	285,645	495,678	505,381	383,432	373,729	115,244	384,983	245,604	745,831	372,102	180,795
Total for all Employers' Associations 2017-2018	195,653	15,077	273,323	484,053	472,701	373,667	385,019	120,244	339,417	268,065	727,726	342,707	187,871

Appendix 7

Trade Unions Maintaining Members' Superannuation Schemes at 31 March 2020

Note:

* Denotes schemes exempt from the need for actuarial examination. These three schemes are reported on within Unite the Union's annual return each year.

GMB (BMS Section Members' Superannuation Fund)

National Union of Rail Maritime and Transport Workers (Orphan Fund)

Unite the Union: (6 schemes listed below)

AEEU Section Superannuation Scheme

British Aerospace Senior Staff Association Superannuation Fund

Litho Printers' Section Superannuation Fund

Plate Preparers' Section Superannuation Fund*

MSF Section Craft Members (formally known as Sheet Metal Workers) Superannuation Fund*

TGWU Members/National Vehicle Builders Union Members' Superannuation Scheme *

Appendix 8

Mergers completed during the period 1 April 2019 to 31 March 2020

Trade Union: Transfers of Engagements

Engagements transferred from	To	Transfer registered on
BLUECHIP Staff Association	Community	2 July 2019
Independent Democratic Union	Community	27 January 2020

Trade Union: Amalgamations

Amalgamating Unions	Forming	Amalgamation registered on
None		

Employers' Association: Transfers of Engagements

None

Employers' Association: Amalgamations

None

Appendix 9: Political Funds of Trade Unions, 2018-2019

	Number of Members contributing to the Political Fund	Number of Members not contributing to the Political Fund	Number of Members exempt from contributing to the Political Fund	Political Fund (a)			
				Income £	Expenditure £	Fund at Beginning of Year £	Fund at End of Year £
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Associated Society of Locomotive Engineers and Firemen	20,885	1,539	0	245,332	174,529	49,980	120,783
Bakers Food and Allied Workers Union	16,516	944	3	41,673	32,916	52,985	61,742
Communication Workers Union	157,435	34,003	24,801	1,651,781	1,088,206	1,146,512	1,710,087
Community	19,476	8,280	8,007	232,000	124,000	186,000	294,000
Educational Institute of Scotland	39,706	17,960	16,366	170,990	33,287	2,681,649	2,819,352
Fire Brigades Union	26,999	5,698	4,915	239,553	172,567	591,652	658,638
GMB	549,711	65,847	23,024	2,986,000	2,573,000	484,000	897,000
Musicians' Union	20,715	9,604	272	76,000	48,000	12,000	40,000
National Association of Schoolmasters Union of Women Teachers	248,519	65,046	16	187,847	49,468	246,861	385,240
National Education Union	3,999	432,052	15,723	7,126	153,750	140,030	-6,594*
National Union of Mineworkers	98	213	23	1,351	2,625	41,642	40,368
National Union of Rail Maritime and Transport Workers	76,439	3,664	86	255,000	153,000	14,000	116,000
POA	22,399	8,502	0	40,827	31,695	31,118	40,250
Prospect	114,484	29,382	29,382	69,000	85,000	629,000	613,000
Public and Commercial Services Union	156,765	23,881	664	194,844	55,576	512,786	652,054
Society of Radiographers	24,062	6,771	3,130	56,420	5,659	69,540	120,301
Transport Salaried Staffs Association	15,615	2,241	793	128,004	6,250	-77,837	43,917

Union of Shop Distributive and Allied Workers	395,537	36,073	26,969	2,106,103	1,740,977	929,039	1,294,165
UNISON: The Public Service Union	1,159,171	209,943	5,579	6,154,000	5,321,000	11,863,000	12,696,000
Unite the Union	985,571	305,446	0	7,831,000	4,004,000	14,909,000	18,736,000
University and College Union	79,576	41,887	39,220	157,480	156,685	13,592	14,387
Total for the 21 unions with political funds which reported in this period	4,133,678	1,308,976	198,973	22,832,331	16,012,190	34,526,549	41,346,690
Total for the 21 unions with political funds which reported in the previous period	4,604,808	765,053	211,812	24,059,274	22,741,229	34,031,244	35,349,209

Notes: The information in the table is derived from annual returns received during 2019-2020, most of which relate to the year ending December 2018.

*The deficit was due to the fact that the NEU collected political fund contributions at the start of the membership year and due to the short financial period (1st January to 31st August) it only collected for a small number of joiners. It has now received over £550,000 in political fund contributions in the current financial year.

Appendix 10

Current statutory fees applicable

Fees are set by the Secretary of State and were amended in Parliament by The Certification Officer (Amendment of Fees) Regulations 2005 (SI 2005/713) under the provisions of sections 108 and 293 of the Trade Union and Labour Relations (Consolidation) Act 1992.

	Current Fee
Application for entry in the list of trade unions	£150
Application for entry in the list of employers' associations	£150
Application for entry in the list of an amalgamated organisation where each amalgamating organisation was already entered	£41
Provision of a certificate of independence to an amalgamated union where each amalgamating organisation already had a certificate of independence	£41
Application for approval of a change of name	£96
Application for a certificate of independence	£4,066
Application for formal approval of an instrument of transfer of engagements or an instrument of amalgamation	£1,850
Inspection of merger documents	£19

Appendix 11

Certification Office Publications

The latest version of the following Certification Office publications are available to be printed or downloaded from the Certification Officer's website: www.gov.uk/certificationofficer. Printed copies may also be obtained free of charge on application to the Certification Office.

- Guidance on making a complaint to the Certification Officer against a trade union
- Disclosure of identity of individuals making applications and complaints to the Certification Officer
- Guidance on procedure at formal hearings of the Certification Officer
- Financial Irregularities in trade unions and employers' associations: the approach of the Certification Officer in exercising his powers of investigation
- Independence: a guide for trade unions wishing to apply for a certificate of independence
- Mergers: a guide to the statutory requirements for transfers of engagements and amalgamations of trade unions
- Mergers: a guide to the statutory requirements for transfers of engagements and amalgamation of employers' associations
- Political funds: a guide for trade unions and employers' associations wishing to establish a political fund
- Political funds: a guide on the provisions in the Trade Union Act 2016
- Political funds: a guide to review ballots
- Trade Union' Register of Members: the Certification Officer's powers of investigation and enforcement
- Certification Officer's Publication Scheme
- Annual Reports of the Certification Officer
- Guidance on The Certification Officer's Role as a Prescribed Person for the Purposes of Public Interest Disclosure Act 1998' – 'whistleblowing'
- How to apply to be entered on the list of trade unions

Appendix 12

Certification Officer Functions

Certification Officer's functions are contained in the Trade Union and Labour Relations (Consolidation) Act 1992 (as amended) (referred to in this report as "the 1992 Act" or "the Act"). They are summarised here, along with links to the related guidance, containing full details of the Certification Officer's statutory duties. The Certification Officer's functions include the responsibility:

under Part I, Chapter I – for maintaining a list of trade unions and for determining the independence of trade unions;

See:

- [Apply to have a trade union or employers' association on the public list](#)
- [How trade unions apply for a certificate of independence](#)

under Part I, Chapter III – for dealing with complaints by members that a trade union has failed to maintain an accurate register of members or failed to permit access to its accounting records; for seeing that trade unions keep proper accounting records, have their accounts properly audited and submit annual returns; for the investigation of the financial affairs of trade unions; for ensuring that the statutory requirements concerning the actuarial examination of members' superannuation schemes are observed; and for dealing with complaints that a trade union has failed in its duty to secure that positions in the union are not held by certain offenders;

See:

- [Complain to the Certification Officer about a trade union or employers' association](#)
- [Complain about financial irregularities in a trade union or employers' association](#)
- [BEIS Guidance: trade union register of members and membership audit certificate requirements](#)

under Part I, Chapter IV – for dealing with complaints by members that a trade union has failed to comply with one or more of the provisions of the Act which require a trade union to secure that its president, general secretary and members of its executive are elected to those positions in accordance with the Act;

See:

- [Complain to the Certification Officer about a trade union or employers' association](#)

under Part I, Chapter VI – for ensuring observance by trade unions of the statutory procedures governing the setting up, operation and review of political funds; and for dealing with complaints about breaches of political fund rules or about the conduct of political fund ballots or the application of general funds for political objects;

See:

- [Set up a political fund for a trade union or employers' association](#)
- [Political funds: a guide to review ballots](#)

under Part I, Chapter VII – for seeing that the statutory procedures for amalgamations, transfers of engagements and changes of name are complied with, and for dealing with complaints by members about the conduct of merger ballots;

See:

- [Mergers between trade unions](#)

under Part I, Chapter VIIA – for dealing with complaints by members that there has been a breach, or threatened breach of the rules of a trade union relating to the appointment, election or removal of an office holder; disciplinary proceedings; ballots of members other than in respect of industrial action; or relating to the constitution or proceedings of an executive committee or decision making meeting;

See:

- [Complain to the Certification Officer about a trade union or employers' association](#)

under Part II – for maintaining a list of employers' associations; for ensuring compliance with the statutory requirements concerning accounting records, annual returns, financial affairs and political funds; and for ensuring that the statutory procedures applying to amalgamations and transfers of engagements in respect of employers' associations are followed.

Appendix 13

Certification Officer's Letter to General Secretaries regarding the Pandemic

Certification
Office

for Trade Unions
& Employers'
Associations



To: General Secretaries of Trade Unions

Your ref:

By E-mail only

Our ref:

Date: 01 May 2020

Dear General Secretary

Complaints Arising from Action Taken in Response to the COVID-19 Pandemic

I hope that this letter finds you and those around you, well.

Over the last few weeks I have received a number of queries from Unions who have reported to me that they are unable to comply with the requirements of their Rules, or with the Trade Union and Labour Relations (Consolidated) Act 1992 ("1992 Act"), because of the current Government guidance on dealing with the COVID-19 pandemic. I am also aware that there is concern that a Union may be the subject of complaints to me where it has taken a decision to act outside of its Rules by, for instance, deferring an election or meeting. It might, therefore, be helpful if I set out my approach to the current situation.

I recognise that by following specific Government guidance you may find it difficult to meet some of the requirements of the 1992 Act and your own Rules. In deciding how to move forward your first priority must be to safeguard your Members, staff and the wider public by following the Government's advice on dealing with the COVID-19 pandemic. Should this mean that you are likely to find yourself in breach of the 1992 Act, or your Rules, then I recommend that you consider the following questions when reaching a decision about how to proceed:

1. The health and safety of Union Members, staff and the wider public should be your primary concern.
2. Is it possible to comply with the relevant Union Rules or the relevant statutory provisions and the Government guidance by some other means? For instance, is it possible to hold a meeting using video or teleconferencing, or could the Union offer access to accounting records electronically rather than by giving access to paper copies in an office environment?
3. If an election is due, can the Union's election scrutineer offer any advice as to the best way forward?
4. When is the Union likely to be in a position to comply with the relevant Rule or statutory provision and what is the best way to achieve that?
5. Is it possible to engage with the Union's Members, or those affected by the decision if it affects a Branch or Section, about the best way forward? It may not be possible for you to do that in advance of a decision, but the Union should be in a position to explain to Members the reasons for a decision and the Union's plans to bring it back into compliance once the government has removed or eased existing restrictions.

Cont/d

www.gov.uk/certificationofficer

(2)

6. What is the best way to document the Union's decision, including recording its reasons, how the decision was taken and who it consulted before taking the decision?

The above is not intended to be an exhaustive list of matters that you will need to consider in such circumstances, and you should give appropriate regard to any other factors that may be relevant.

It is, of course, for each Union to decide what is right for its Members and different Unions may take different decisions in what may appear to be similar circumstances. My team is happy to discuss our broad advice with Unions; however, we cannot give you detailed advice or guidance as to the right decision for your Union. Nor do we have the power to enable any Union to breach its Rules, or the 1992 Act, or to indemnify Unions from complaints from its Members.

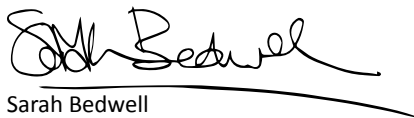
I recognise that some Union Members may exercise their right to complain to me about breaches of Rules or the 1992 Act which have occurred solely because of the Government guidance on dealing with the COVID-19 pandemic. I propose to deal with such complaints in the usual way, but it will be more efficient for all of us if I am notified of any breaches, and the reasons for them, as soon as they occur. This will enable me to take the Union's position into account when considering the initial complaint and may lead to the complaint being closed at an early stage. Consequently, it would be helpful if you could let me know if your Union has taken a decision to breach its Rules or the 1992 Act for reasons related to the COVID-19 pandemic, why that was necessary, your plans for bringing the Union back into compliance and what steps have been taken to share that with your Members. This may enable me to close a complaint at an early stage. Even if it does not, an acceptance of the breach, an explanation of the reasons for the breach and the Union's plans for achieving compliance in the future may enable me to bring the complaint to a swifter conclusion. It may be possible to do so without a Hearing but, where a Hearing is necessary, the fact that a Union has accepted that a breach has occurred may limit the scope of any Hearing to whether an enforcement order is appropriate.

I should add, however, that where a breach has occurred for reasons which are not solely related to the pandemic it is likely that I will deal with that breach in the usual way in accordance with my statutory powers. It is, therefore, important that Unions consider whether an alternative approach, as highlighted at point two above is considered and document the reasons why this is, or is not, appropriate.

You may also be aware that, as for other Courts and Tribunals, we are aiming to use video conferencing for some hearings during the current restrictions, where it is appropriate to do so. If that proves successful, we may be able to use such technology for some shorter hearings in the future which, in turn, should reduce the costs to all involved.

If you have any queries about this guidance or wish to notify me of any decisions relating to the above taken by your Union, then please do get in touch. We are all working away from the office so please send any correspondence by email to certoffice@certoffice.org. Please do not send any correspondence by ordinary mail as we may not receive it until we return to the office.

Yours sincerely



Sarah Bedwell
Certification Officer

Certification Office for Trade Unions and Employers' Associations

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